

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KATHLEEN P. MULLINIX,)	
)	
Plaintiff,)	
)	
v.)	Civil Action
)	No. 04-12684-WGY
)	
KIKI BOGORAD-GROSS and)	
LEONARD P. BOGORAD, as They)	
Are Executors of the Will of)	
Lawrence Bogorad,)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendants Kiki Bogorad-Gross and Leonard Bogorad, as they are Executors of the Will of Lawrence Bogorad (collectively, "Defendants"), by their attorneys, Sullivan & Worcester LLP, hereby move this Court for the entry of a summary judgment in its favor and against Plaintiff Kathleen P. Mullinix ("Plaintiff") dismissing the Complaint and Demand for Jury Trial in its entirety. As is shown in the accompanying memorandum of law and in the affidavits of Leonard Bogorad, Kiki Bogorad-Gross, James Gross, Matthew Berlin and Lisa M. Hodes, filed herewith, there are no genuine issues of material fact and Plaintiff's claims for breach of contract and estoppel fail as a matter of law. Accordingly, Defendants are entitled to judgment as a matter of law.

REQUEST FOR ORAL ARGUMENT

Defendants hereby request oral argument on the foregoing motion.

KIKI BOGORAD-GROSS and
LEONARD P. BOGORAD, as
they are the Executors of the Will
of Lawrence Bogorad,

By their attorneys,

May 25, 2006

/s/ Lisa M. Hodes

Larry L. Varn (BBO # 508130)
Lisa M. Hodes (BBO # 660444)
SULLIVAN & WORCESTER LLP
One Post Office Square
Boston, Massachusetts 02109
(617) 338-2800
lvare@sandw.com
lhodes@sandw.com

FEDERAL RULE 26(c) AND LOCAL RULES 7.1(A)(2) AND 37.1 CERTIFICATE

Counsel for Defendants has made a good-faith effort to resolve this dispute without court action. Counsel for Defendants and counsel for Plaintiff have exchanged emails and have held multiple phone conferences, but have been unable to reach agreement.

/s/ Lisa M. Hodes

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 25, 2006.

/s/ Lisa M. Hodes
